IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 6531 OF 2005
IN
APPEAL NO.1413 OF 2003

Shri.Ganpat Khandu Lohat]
Age 28 yrs. Occ:Agri.]
R/o Dahivali, Tal.Maval]
Dist.Pune.]..Applicant/
(Ori.Accused No.1)

Versus

The State of Maharashtra]
(through Vadgaon - Maval]
Police Station)]..Respondent

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Ms.Shubhada Khot for Applicant
Mr.A.M.Shringarpure A.P.P. for State

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CORAM: N.V.DABHOLKAR AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : FEBRUARY 28, 2006

P.C.:

1. Further to our order dated 22nd, today learned A.P.P. has submitted Health Report of the applicant which is marked Exhibit-A for identification and taken on record. The Report indicates that the applicant was produced before the Neuro Surgeon for opinion at Sasoon hospital on 25th February, 2006 and he is again directed to be produced on Wednesday, 1st March, 2006 for follow-up. It appears that in the past, he was examined by experts at Sasoon hospital at Pune. He

was advised C.T.scan and also surgery i.e. removal of plate with graft. The contention of the applicant that he is required to be under constant medical advice and care, is therefore, required to be upheld.

2. Upon instructions, advocate Ms.S.D.Khot for the applicant makes a statement across the bar that applicant desires to raise an amount and take the treatment at Jehangir hospital, Pune where he was subjected to earlier treatment. Advocate Ms.Khot prayed for temporary bail so that the applicant can raise finance by disposing of the property. As already indicated, the application of the applicant for enlargement on bail was once considered on merits and rejected vide order dated 4th February, 2004 and hence, the prayer for enlargement on temporary bail does not survive. However, suitable directions can be issued in order to ensure that applicant is able to secure medical attendance as desired by him and as demanded by his status of health. We are, therefore, issuing following directions which shall be communicated to Superintendent, Yervada Central Prison, by learned A.P.P. and for that purpose authenticated copy of this order shall be made available to learned

A.P.P. as also to the learned counsel for the applicant:

i) Prison authorities should make appropriate arrangement for production of the applicant at Jehangir hospital, Pune before appropriate medical expert, according to the date that may be fixed by the expert, for all purposes i.e. initial examination, diagnostic examination if any, pre-surgical care, for surgical treatment and for post-surgical care. Needless to say that the production of applicant at the hospital shall be under appropriate escort. In case, the hospital authorities desire retention of the applicant within the hospital premises, appropriate arrangements for security should be done by Superintendent of Central Prison, Yeravada Pune in cooperation with Commissioner of Police, Pune.

ii) It is clarified that the applicant may be allowed to have more than couple of interviews than permissible as routine and under the Rules. This is in order to facilitate the applicant to execute Deed of Power of Attorney, if he so desires, in favour of some close relatives who can take care of the transaction for the purpose of raising finances

(this direction is issued because advocate Ms.Khot communicated, on instructions; that applicant is inclined to raise funds by disposing of immovable property).

iii) Applicant should be permitted to be retained in the hospital premises till the time advised by the experts.

. Both the parties are expected to file the monthly report of the follow-up for the purpose of treatment of the applicant, to this Court on last day of every month and first such report shall be submitted on 31st March, 2006, although we are disposing of the application with present direction.

iv) Progress report shall be placed before the Court for perusal and orders, if any.

v) Criminal Application is disposed of.

[N.V.DABHOLKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]